

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

NO. CR03-487-JCC

Plaintiff,

1

HENRY WILLIAM LEE,

**SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE**

Defendant.

An evidentiary hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on August 19, 2009. The United States was represented by Assistant United States Attorney William Redkey and the defendant by Jennifer Wellman. The proceedings were digitally recorded.

The defendant had been charged and convicted of Possession of Cocaine with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1), and 841 (b)(1)(B), and Possession of Marijuana With Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1), and 841 (b)(1)(D). On or about April 9, 2004, defendant was sentenced by the Honorable John C. Coughenour to a term of seventy-two (72) months in custody, to be followed by five (5) years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special

1 conditions imposed included, but were not limited to, substance abuse program, financial
2 disclosure, prohibited from possessing a firearm, participate in drug treatment, abstain from
3 alcohol, submit to search, and employment subject to review.

4 In a Petition for Warrant or Summons, dated July 24, 2009, U.S. Probation Officer
5 Andrea G. Porter asserted the following violations by defendant of the conditions of his
6 supervised release:

- 7 1) Possessing methamphetamine, cocaine, cocaine base, oxycontin, and ecstasy on
8 or about July 16, 2009, in violation of standard condition number 7.
- 9 2) Associating with people engaged in criminal activity on or about July 16, 2009,
10 in violation of standard condition number 9.
- 11 3) Failing to notify the probation officer within seventy—two hours of being
12 arrested or questioned by law enforcement officer on July 16, 2009, in violation
13 of standard condition number 11.
- 14 4) Committing a federal, state or local crime by possessing methamphetamine,
15 cocaine, ecstasy, cocaine base, and oxycontin on or about July 16, 2009, in
16 violation of standard condition that he not commit a federal, state or local crime.
- 17 5) Committing a federal, state or local crime by committing the crime of
18 conspiracy to distribute methamphetamine, cocaine, ecstasy, cocaine base, and
19 oxycontin on or about July 16, 2009, in violation of the standard condition that
20 he not commit a federal, state or local crime.

21 On July 27, 2009, defendant made his initial appearance. The defendant was advised of
22 the allegations and advised of his rights. On August 19, 2009, defendant appeared for an
23 evidentiary hearing on the alleged violations. Defendant admitted to violation 3 and denied
24 violations 2 and 5. The Court reviewed admitted probable cause statement filed by the parties
25 and finds violations 2 and 5 are established. Alleged violations 1 and 4 were withdrawn by the
26 government.

1 I therefore recommend that the Court find the defendant to have violated the terms and
2 conditions of his supervised release as to violations 2, 3 and 5, and that the Court conduct a
3 hearing limited to disposition. A disposition hearing on these violations has been set before the
4 Honorable John C. Coughenour on October 9, 2009 at 9:00 a.m.

5 Pending a final determination by the Court, the defendant has been detained.

6 DATED this 24th day of August, 2009.

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9 JAMES P. DONOHUE
10 United States Magistrate Judge

11 cc: District Judge: Honorable John C. Coughenour
12 AUSA: Mr. William Redkey
13 Defendant's attorney: Ms. Jennifer Wellman
14 Probation officer: Ms. Andrea G. Porter